

<b>Notice of Allowability</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	09/868,020	AISA, VALERIO	
	<b>Examiner</b>	<b>Art Unit</b>	
	Crystal J. Barnes	2121	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--**

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to Amendment received on 09 September 2004.
2. ☒ The allowed claim(s) is/are 75-119 (renumbered claims 1-45).
3. ☒ The drawings filed on 12 June 2001 are accepted by the Examiner.
4. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☒ All    b) ☐ Some\*    c) ☐ None    of the:
    1. ☐ Certified copies of the priority documents have been received.
    2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. ☒ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

5. ☒ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
6. ☐ CORRECTED DRAWINGS ( as "replacement sheets") must be submitted.
  - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review ( PTO-948) attached
    - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
  - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**

- |  |  |
|--|--|
| 1. <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) *  | 5. <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)            |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | 6. <input type="checkbox"/> Interview Summary (PTO-413),<br>Paper No./Mail Date _____. |
| 3. <input checked="" type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08),<br>Paper No./Mail Date <u>12 June 2001</u> * | 7. <input type="checkbox"/> Examiner's Amendment/Comment                               |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit<br>of Biological Material                                     | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance   |
|  | 9. <input type="checkbox"/> Other _____.   |

### DETAILED ACTION

1. The following is a Notice of Allowance in response to Amendment received on 09 September 2004. Claims 1-74 have been cancelled. Claims 75, 91, 95, 98, 101, 104 and 109 have been amended. Claims 113-119 have been added. Claims 75-119 are now pending in this application.

### *Oath/Declaration*

2. Receipt is acknowledged of papers filed under 35 U.S.C. 119 (a)-(d) based on an application filed in Italy on 30 September 1998. Applicant has not complied with the requirements of 37 CFR 1.63(c), since the oath, declaration or application data sheet does not acknowledge the filing of any foreign application. An application data sheet is required in the body of which the present application should be identified by application number and filing date.

### REASONS FOR ALLOWANCE

3. Claims 75-119 (renumbered claims 1-45) are allowed.
4. The following is an examiner's statement of reasons for allowance:

As per claim 75, the prior art of record taken alone or in combination fails to teach a writeable and erasable second memory resident on the appliance for storing second information provided by the external programming device, once the appliance has been marketed and/or installed at a user's premises, the second information allowing the control system to execute second programs which are in addition to and different from the first programs, the second programs being user-defined and the second information being encoded and stored in the second memory for an undetermined time, until the user directs a subsequent modification or cancellation of the second information through the external programming device.

As per claim 91, the prior art of record taken alone or in combination fails to teach a second memory associated with the microcontroller, for storing second information once the appliance has been marketed and/or installed at a user's premises, the second information allowing the control system to execute second programs which are in addition to and different from the first programs, the

second programs being user-defined; the second memory being writeable and erasable for allowing the storage, and/or the later modification of the second information relating to the second programs.

As per claim 98, the prior art of record taken alone or in combination fails to teach obtaining, through the external programming device, second information for allowing the control system to execute second additional programs that differ from the first programs, the second programs being user-defined, the second information comprising data identifying the second additional programs; storing the second information, in a writeable and erasable manner within a second memory of the control system; selectively modifying or deleting the second information, as desired by the user.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

*Conclusion*

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

The following references are cited to further show the state of the art with respect to appliance control in general:

USPN 5,841,119 to Rouyrre et al.

USPN 5,274,209 to Edamura

USPN 4,968,864 to Doi et al.

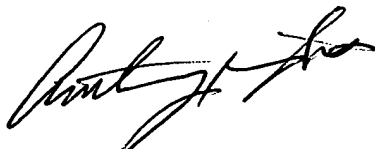
WO 9702573 A1 to KIND et al.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Crystal J. Barnes whose telephone number is 571.272.3679. The examiner can normally be reached on Monday-Friday alternate Mondays off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Anthony Knight can be reached on 571.272.3687. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

CJB  
29 October 2004



Anthony Knight  
Supervisory Patent Examiner  
Group 3600